

REMARKS

Claims 7-11 and 13 are pending in the present application after cancellation of claims 14 and 15. In view of the following explanation, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

I. Drawing Objections

The drawings were objected to under 37 C.F.R. § 1.83(a) ("Rule 83(a)") for not showing every feature of the invention specified in the claims, i.e., not showing the feature of the power transistor being a MOSFET. Although Applicants do not agree with the Examiner, Applicants have canceled claims 14 and 15 to obviate the objection.

II. Rejections of Claims 7, 10, and 14 under 35 U.S.C. §103(a)

Claims 7, 10 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2006/0012941 ("Heckel") in view of U.S. Patent No. 6,731,023 ("Rothleitner"). Claim 14 has been canceled. Applicants respectfully submit that the rejection should be reversed for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007). In addition, all the teachings of the prior art must be considered, including those which teach away from the claimed invention. (See MPEP 2143.01.II). To the extent that the Examiner may be relying on the doctrine of inherent disclosure to support the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings

of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

First, Heckel is not a valid prior art reference against the present application. The present application has an effective U.S. filing date of January 10, 2005 (the filing date of parent PCT application). Since Heckel is a national-phase application based on a PCT application (PCT/DE03/03193) published in German, there is no effective 35 U.S.C. 102(e)(1) date for the published U.S. national-phase application. (See MPEP 706.02(f)(1), Example 5). In addition, since Heckel was published in 2006, after the effective U.S. filing date of the present application, Heckel is not a valid prior art under any provision of 35 U.S.C. 102. Should the Examiner opt to apply a different, but related, publication from the Heckel patent family in a future office action, Applicants should be given an opportunity to perfect the foreign priority date of February 27, 2004.

Independent of the above, Applicants disagree with the Examiner’s substantive interpretation of Heckel, i.e., that Heckel teaches the features of a voltage regulator connected to an energy reserve capacitor, which voltage regulator sets a voltage for an ignition power module, as recited in claim 7. Contrary to the Examiner’s assertion, Heckel does not teach the presence of a voltage regulator. Reference item 3 of Heckel, which is asserted by the Examiner as being equivalent to the claimed voltage regulator, is clearly discussed in Heckel as being an ignition power module. (See Heckel, Paragraph [0013]). A voltage regulator is a device that is used to convert varying voltage at its inputs to a constant regulated output voltage at the output of the device. Ignition power module 3 does not perform these functions. Heckel discusses that the ignition power module (item 3) simply triggers a corresponding security unit. (See id.). Heckel does not disclose or suggest any element which converts varying voltage at its inputs to a constant regulated output voltage. To the extent the Examiner may be implicitly contending that the claimed voltage regulator is inherently disclosed in Heckel, the Examiner hasn’t provided any “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” Therefore, there is no reasonable basis to conclude that Heckel teaches the features of a voltage regulator connected to an energy reserve capacitor, which voltage regulator sets a voltage for an ignition power module, as recited in claim 7.

In addition, element 3 of Heckel is not connected the energy reserve capacitor (item Cs as asserted by the Examiner); instead, item 3 is connected to the charging connection unit (item 5), the current sources (items 6 and 7), to the microprocessor (item μ c), and ignition capacitor Cz. (See Heckel, Figure 1). As demonstrated by Fig. 1, reference item 3 is not connected to the ignition capacitor Cz. (See id.) Additionally, item 4 (asserted by the Examiner as teaching the presence of a power module) is clearly discussed in Heckel as a security unit that operates if voltage failure occurs, and is not discussed as operating as a power module (which is actually element 3, according to Heckel's disclosure).

Applicants further note that Heckel does not disclose or suggest a voltage regulator setting a voltage for the power module. In support for the argument that Heckel discloses the feature of a voltage regulator setting a voltage for the power module, the Examiner asserts that the power module (correctly identified only in this instance as item 3 by the Examiner) provides a voltage and current to trigger connected airbags. However, this statement is not only entirely inconsistent with other characterizations made by the Examiner, but this statement doesn't change the fact that Heckel clearly does not disclose or suggest a voltage regulator that outputs a constant voltage for the power module. Even if one assumes for the sake of argument that the power module 3 of Heckel is a voltage regulator, there is no suggestion that the power module 3 outputs a constant voltage output to a subsequent power module.

The Rothleitner reference is not asserted to disclose or suggest any of the aforementioned features. For the foregoing reasons, claim 7 and its dependent claim 10 are allowable over the combination of Heckel and Rothleitner.

III. Rejections of Claim 8 under 35 U.S.C. §103(a)

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heckel in view of Rothleitner and U.S. Patent No. 5,845,729 ("Smith"). Applicants respectfully submit that this rejection should be reversed for at least the following reasons.

Claim 8 depends from claim 7, and therefore claim 8 is allowable for essentially the same reasons as claim 7 since the Smith reference fails to cure -- and is not

asserted to cure -- the critical deficiencies of the Heckel and Rothleitner references as applied against parent claim 7.

IV. Rejections of Claim 9 under 35 U.S.C. §103(a)

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heckel in view of Rothleitner, Smith and U.S. Patent No. 5,459,449 ("Ravas"). Applicants respectfully submit that this rejection should be reversed for at least the following reasons.

Claim 9 ultimately depends from claim 7, and therefore claim 9 is allowable for essentially the same reasons as claim 7 since the Ravas reference fails to cure -- and is not asserted to cure -- the critical deficiencies of the Heckel, Rothleitner and Smith references as applied against parent claim 7.

V. Rejections of Claim 11 under 35 U.S.C. §103(a)

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heckel in view of Rothleitner and Ravas. Applicants respectfully submit that this rejection should be reversed for at least the following reasons.

Claim 11 depends from claim 7, and therefore claim 11 is allowable for essentially the same reasons as claim 7 since the Ravas reference fails to cure -- and is not asserted to cure -- the critical deficiencies of the Heckel and Rothleitner references as applied against parent claim 7.

V. Rejections of Claim 15 under 35 U.S.C. §103(a)

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heckel in view of U.S. Patent No. 7,352,080 ("Grasshoff"). Claim 15 has been canceled.

Application Serial No. 10/590,876
Attorney Docket No. 10191/4350
Reply to Office Action of November 15, 2010

CONCLUSION

In view of the above, it is respectfully submitted that all of the presently pending claims 7-11 and 13 are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,



(A. No.
36,197)

Date: 2/9, 2011

By: JONG LEE for Gerard Messina

Gerard A. Messina
(Reg. No. 35,952)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
Customer No. 26646